

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DERRICK LAMONE JENKINS, #1307915 §

VS. § CIVIL ACTION NO. 6:09cv560

BRAD LIVINGSTON, ET AL. §

ORDER DISMISSING ADDITIONAL PLAINTIFFS
WITHOUT PREJUDICE TO REILING

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation (docket entry #8) of the Magistrate Judge, which contains proposed findings of fact and recommendations for the dismissal of named, but unsigned, plaintiffs Victor Cole, Levi Goode, Louis Richard, Lee Mata, Robert Paulhas, Lee Nelson, John Hoffman, and Anthony Swindell, without prejudice to their refiling their claims in individual lawsuits, has been presented for consideration. With the exception of John Hoffman, who filed an objection purportedly addressing the Report and Recommendation, but not relating to the prospect of his dismissal without prejudice to refiling, no other objections have been timely filed. The Court is therefore of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the additional plaintiffs Victor Cole, Levi Goode, Louis Richard, Lee Mata, Robert Paulhas, Lee Nelson, John Hoffman, and Anthony Swindell are hereby **DISMISSED** without prejudice to their refiling their claims as individual lawsuits, should they choose to do so. It is further

ORDERED that the motion for leave to proceed *in forma pauperis* (docket entry #22) by John Hoffman is **DENIED** as moot.

So **ORDERED** and **SIGNED** this 29th day of April, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE